

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44

**STATE OF IOWA**  
**BOARD OF EDUCATIONAL EXAMINERS**  
**Grimes State Office Building – 400 East 14<sup>th</sup> Street**  
**Des Moines, Iowa 50319-0147**

**Minutes**

November 7, 2002

Table of Contents

	<u>Page</u>
Motions	2
Meeting Called to Order	5
Licensee Discipline	5
Welcome and Presentation by Representatives of Grand View College	7
Consent Agenda	7
Communication	7
Attorney General Prosecution	9
Conditional License Name Changes	10
Petition for Waiver	10
Prefiled Bill Suggestion	10
Practitioners Teaching Out of Endorsed Area	11
Initial Discussion of Possible “Student Teaching License”	11
Continued Discussion of Removal of Endorsement by Practitioner Request	11
Adjournment	
11	

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33

**STATE OF IOWA**  
**STATE OF IOWA**  
**BOARD OF EDUCATIONAL EXAMINERS**  
**Grimes State Office Building – 400 East 14<sup>th</sup> Street**  
**Des Moines, Iowa 50319-0147**

**Motions**

November 7, 2002

John Aboud moved, with a second by Jean Seeland, that the Board go into closed session for the purposes of discussing whether to initiate licensee disciplinary proceedings and discussing the decision to be rendered in a contested case, pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f). Roll call vote: Haigh – yes; Paulsen – yes; Chen – yes; Westerhaus – yes; Lewis – yes; Stalker – yes; Carter – yes; Aboud – yes; Seeland – yes; and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

Anita Westerhaus moved, with a second by William Haigh, that in case numbers 01-24 and 01-25, Dodds v. Patterson and Dodds v. Andersen, the Board not initiate a review of the proposed decision and allow the proposed decision to become the final decision of the Board, unless an appeal is taken by one of the parties within the time allowed by rule. Roll call vote: Seeland – yes; Aboud– yes; Carter – yes; Stalker – yes; Lewis – yes; Westerhaus – yes; Chen – yes; Paulsen – yes; Haigh – yes; and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

Jean Seeland moved, with a second by Anita Westerhaus, that in case number 01-34, the Board accept the Respondent’s waiver of hearing and voluntary surrender and that the Board issue an order permanently revoking the Respondent’s license with no possibility of reinstatement. Roll call vote: Haigh – yes; Paulsen – yes; Chen – yes; Westerhaus – yes; Lewis – yes; Stalker – yes;

1 Carter – yes; Aboud – yes; Seeland – yes; and Hathaway – yes. **MOTION**  
2 **CARRIED UNANIMOUSLY.**

3 William Haigh moved, with a second by Jean Seeland, that in case number  
4 01-13, the Board extend the 180-day deadline for issuance of the final  
5 decision, due to the need for additional time to conduct a hearing, prepare a  
6 proposed decision, and review the proposed decision by the Board. Roll call  
7 vote: Seeland – yes; Aboud– yes; Carter – yes; Stalker – yes; Lewis – yes;  
8 Westerhaus – yes; Chen – yes; Paulsen – yes; Haigh – yes; and Hathaway – yes.  
9 **MOTION CARRIED UNANIMOUSLY.**

10

11 Jean Seeland moved, with a second by William Haigh, that in case number  
12 01-14, the Board extend the 180-day deadline for issuance of the final  
13 decision,  
14 based upon delay in investigation due to other pending investigations. Roll call  
15 vote: Haigh – yes; Paulsen – yes; Chen – yes; Westerhaus – yes; Lewis – yes;  
16 Stalker – yes; Carter – yes; Aboud – yes; Seeland – yes; and Hathaway – yes.  
17 **MOTION CARRIED UNANIMOUSLY.**

18

19 Anita Westerhaus moved, with a second by Jean Seeland, that in case number  
20  
21 01-15, the Board extend the 180-day deadline for issuance of the final  
22 decision, due to the need for additional time to conduct a hearing, prepare a  
23 proposed decision, and review the proposed decision by the Board. Roll call  
24 vote: Seeland – yes; Aboud– yes; Carter – yes; Stalker – yes; Lewis – yes;  
25 Westerhaus – yes; Chen – yes; Paulsen – yes; Haigh – yes; and Hathaway – yes.  
26 **MOTION CARRIED UNANIMOUSLY.**

27

28 Anita Westerhaus moved, with a second by Ying Ying Chen, to approve the  
29 October 11, 2002, minutes, as distributed. **MOTION CARRIED**  
30 **UNANIMOUSLY.**

31

32 Brian Carter moved, with a second by John Aboud, to table action on the  
33 changes to Chapter 11, involving prosecution of complaints by the Attorney

1 General's office. Roll call vote: Haigh – yes; Paulsen – yes; Chen – yes;  
2 Westerhaus – yes; Lewis – yes; Stalker – yes; Carter – yes; Aboud – yes; and  
3 Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**  
4 John Aboud moved, with a second by Brian Carter, that in PFW 02-24,  
5 Dominic Giegerich, the Board deny the Petition for Waiver, with the exception  
6 of the limited waiver granted within the order. Roll call vote: Aboud– yes;  
7 Carter – yes; Stalker – yes; Lewis – yes; Westerhaus – yes; Chen – yes; Paulsen  
8 – yes; Haigh – yes; and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

**STATE OF IOWA**  
**BOARD OF EDUCATIONAL EXAMINERS**  
**Grimes State Office Building – 400 East 14<sup>th</sup> Street**  
**Des Moines, Iowa 50319-0147**

## Minutes

November 7, 2002

The Board of Educational Examiners held its monthly meeting on

November 7, 2002, in the Rodholm Room of the Humphrey Center on the campus of Grand View College in Des Moines. The meeting was called to order by the Board Vice-Chair, Peter Hathaway, at 8:30 a.m. Members attending were John Aboud, Brian Carter, Ying Ying Chen, William Haigh, Peter Hathaway, Helen Lewis, Thomas Paulsen, Jean Seeland, Veronica Stalker and Anita Westerhaus. Also in attendance were Dr. Anne Kruse, Executive Director of the Board; Jean Davis, Assistant Attorney General and legal counsel to the Board; Barbara Hendrickson, Board Secretary; and other visitors. Ms. Seeland left at 9:55 a.m., Ms. Davis at 11:53 a.m., and Mr. Paulsen at 12:30 p.m. Board Member Judy Jeffrey was unable to attend the meeting.

John Aboud moved, with a second by Jean Seeland, that the Board go into closed session for the purposes of discussing whether to initiate licensee disciplinary proceedings and discussing the decision to be rendered in a contested case, pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f). Roll call vote: Haigh – yes; Paulsen – yes; Chen – yes; Westerhaus – yes; Lewis – yes; Stalker – yes; Carter – yes; Aboud – yes; Seeland – yes; and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

The Board reconvened into open session at 9:15 a.m.

Anita Westerhaus moved, with a second by William Haigh, that in **case numbers 01-24** and **01-25**, *Dodds v. Patterson* and *Dodds v. Andersen*, the

1 Board not initiate a review of the proposed decision and allow the proposed  
2 decision to become the final decision of the Board, unless an appeal is taken by  
3 one of the parties within the time allowed by rule. Roll call vote: Seeland –  
4 yes; Aboud– yes; Carter – yes; Stalker – yes; Lewis – yes; Westerhaus – yes;  
5 Chen – yes; Paulsen – yes; Haigh – yes; and Hathaway – yes. **MOTION**  
6 **CARRIED UNANIMOUSLY.**

7  
8 Jean Seeland moved, with a second by Anita Westerhaus, that in **case number**  
9 **01-34**, the Board accept the Respondent's waiver of hearing and voluntary  
10 surrender and that the Board issue an order permanently revoking the  
11 Respondent's license with no possibility of reinstatement. Roll call vote: Haigh  
12 – yes; Paulsen – yes; Chen – yes; Westerhaus – yes; Lewis – yes; Stalker – yes;  
13 Carter – yes; Aboud – yes; Seeland – yes; and Hathaway – yes. **MOTION**  
14 **CARRIED UNANIMOUSLY.**

15  
16 William Haigh moved, with a second by Jean Seeland, that in **case number**  
17 **01-13**, the Board extend the 180-day deadline for issuance of the final  
18 decision, due to the need for additional time to conduct a hearing, prepare a  
19 proposed decision, and review the proposed decision by the Board. Roll call  
20 vote: Seeland – yes; Aboud– yes; Carter – yes; Stalker – yes; Lewis – yes;  
21 Westerhaus – yes; Chen – yes; Paulsen – yes; Haigh – yes; and Hathaway – yes.  
22 **MOTION CARRIED UNANIMOUSLY.**

23  
24 Jean Seeland moved, with a second by William Haigh, that in **case number**  
25 **01-14**, the Board extend the 180-day deadline for issuance of the final  
26 decision,  
27 based upon delay in investigation due to other pending investigations. Roll call  
28 vote: Haigh – yes; Paulsen – yes; Chen – yes; Westerhaus – yes; Lewis – yes;  
29 Stalker – yes; Carter – yes; Aboud – yes; Seeland – yes; and Hathaway – yes.  
30 **MOTION CARRIED UNANIMOUSLY.**

31  
32 Anita Westerhaus moved, with a second by Jean Seeland, that in **case number**  
33

1 **01-15**, the Board extend the 180-day deadline for issuance of the final  
2 decision, due to the need for additional time to conduct a hearing, prepare a  
3 proposed decision, and review the proposed decision by the Board. Roll call  
4 vote: Seeland – yes; Aboud– yes; Carter – yes; Stalker – yes; Lewis – yes;  
5 Westerhaus – yes; Chen – yes; Paulsen – yes; Haigh – yes; and Hathaway – yes.

6 **MOTION CARRIED UNANIMOUSLY.**

7  
8 Executive Director Dr. Anne Kruse introduced Grand View College President  
9 Kent Henning, who welcomed the Board and visitors to the campus. Dr. Robin  
10 White, Chair of the Education Department, introduced department faculty  
11 present and gave a brief overview of the department's programs. Four  
12 students, representative of the elementary and secondary teacher preparation  
13 programs, each then made a presentation about their choice of Grand View for  
14 their undergraduate education.

15  
16 Board Vice-Chair Peter Hathaway defined the membership of the Board of  
17 Educational Examiners, expressed the Board's interest in teacher education  
18 programs and the students being prepared, and then thanked college  
19 representatives for their hospitality for this visit.

20  
21 Anita Westerhaus moved, with a second by Ying Ying Chen, to approve the  
22 October 11, 2002, minutes, as distributed. **MOTION CARRIED**  
23 **UNANIMOUSLY.**

24  
25 Board Member Anita Westerhaus reported that contract committee members  
26 requested that she ask the Board to consider a stronger message in  
27 administrative rules for breach of contract, as a deterrent for both employee  
28 and employer. The committee suggested minimum sanctions or penalties for  
29 one-time or repeat violators and desired a method of dealing with the statute of  
30 limitations for filing on a breach of contract, which is currently three years  
31 from date of discovery. The committee deliberated language in a draft of  
32 administrative rules crafted by Christie Scase, Assistant Attorney General and  
33 legal counsel to the Board. An introductory section of definitions was deemed

1 imperative for the sake of clarity so that language would be precise and  
2 teachers-in-training and new teachers would understand what a contract  
3 means. There is agreement among stakeholder organizations to honor  
4 contracts, to counsel members of the organizations to honor contracts, and  
5 to support sanctions for both teachers and administrators for breach of  
6 contract. Vice-Chair Peter Hathaway asked about a window of opportunity to  
7 step away from a contract without incurring licensure penalty. Ms.  
8 Westerhaus noted current committee agreement to extend the date. William  
9 Unger, attorney with ISEA and member of the contract committee, added a few  
10 brief remarks, concurring that it has been positive process.

11

12 Board Member Helen Lewis mentioned that the Department of Education held  
13 its hearing on community college rules, which generated some questions with  
14 regard to the quality faculty plan committees and the establishment of  
15 mentoring programs. She said that community college faculty have been  
16 responsive to supplying meaningful suggestions for staff development in  
17 content/vocational areas and pedagogical training. Many hours have been  
18 devoted to these issues. Funding and time commitment present the usual  
19 problems.

20

21 Executive Director Dr. Anne Kruse congratulated Board Member Ying Ying  
22 Chen upon her receipt of the 2002 Milken award for outstanding administrative  
23 leadership skills. She noted that several current and prior board members had  
24 also been recipients of the award. Ms. Chen stated that she and other  
25 recipients actually represent a lot of great educators.

26

27 Dr. James Allen of Loras College, president-elect of the Iowa Association of  
28 Colleges for Teacher Education, comprising the 31 teacher preparation  
29 institutions in Iowa, spoke at the time of Public Comment. He urged the Board  
30 to prefile a bill to include in its membership a representative from a  
31 practitioner preparation program. Input from such an individual would benefit  
32 the Board, but more important would be clearer communication of Board  
33 directives.



1  
2 William Unger of ISEA reiterated that the contract committee hoped to shorten  
3 the current three-year timeline allowed for filing a breach-of-contract  
4 complaint, since it is an awkward timespan during which a practitioner may  
5 have moved on to one or more subsequent positions.

6 Executive Director Dr. Anne Kruse reported on computer upgrades and  
7 personnel news. She then said that Drake University Law School intern  
8 Thomas Sarver had performed excellent research in statute and in rules, and  
9 he gathered a lot of information on virtual and internet courses and on how  
10 other states operate. Dr. Kruse related that at the end of June 2002, there  
11 were 1400 new beginning teachers hired in Iowa, including those from out-of-  
12 state, while new Iowa teacher graduates numbered about 3000.

13  
14 Dr. Kruse expressed concern about the teacher intern program. Teacher  
15 Preparation Program Consultant Dr. Sandra Renegar has received no  
16 proposals, just notice of intent from about six or seven institutions, with  
17 viability for about two or three—maybe. Administrative rules are in place, but  
18 no programs. The office has received hundreds of calls, however, from  
19 interested parties. Dr. Kruse said she plans to apply for the federal transition  
20 to teaching grant, but that paperwork is not due until June, with  
21 implementation in late fall of next year, which would affect the following class.  
22 Another option would be out-of-state places that would readily come in and  
23 offer a program.

24  
25 Dr. Kruse then displayed a sample of the proposed new Iowa teacher license,  
26 on security paper, which is suitable for framing. A pocket-sized copy  
27 accompanies it, as will a letter of welcome to the profession from Dr. Kruse.

28  
29 The Board recessed from 10:35 a.m. to 10:46 a.m.

30  
31 The next agenda item was further deliberation of proposed changes to Chapter  
32 11 to implement House File 2482, prosecution of complaints by the Attorney  
33 General's office. Board members already had some opinions from stakeholder

1 organizations in their notebooks. In addition, William Unger had earlier in the  
2 meeting distributed a multipage response from ISEA. Vice-Chair Peter  
3 Hathaway recommended tabling discussion to the December meeting before  
4 taking action, in order to permit the Board to consider ISEA's stance, along  
5 with the others. Brian Carter moved, with a second by John Aboud, to table  
6 action on the changes to Chapter 11, involving prosecution of complaints by  
7 the Attorney General's office. Roll call vote: Haigh – yes; Paulsen – yes; Chen –  
8 yes; Westerhaus – yes; Lewis – yes; Stalker – yes; Carter – yes; Aboud – yes;  
9 and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

10  
11 The Board took a first look at proposed revisions to Chapter 14 on conditional  
12 license name changes. Suggested changes purport to avoid problems in  
13 definition of terms when interacting with federal agencies.

14  
15 Dominic Giegerich submitted a petition to waive requirements for the issuance  
16 of an additional one-year conditional license in physics, provisions that it is  
17 nonrenewable and valid for one year. Mr. Giegerich has been granted five  
18 conditional licenses to assist him in meeting the conditions needed to add the  
19 physics endorsement to his license, but he has not availed himself of  
20 alternative educational opportunities to this end, despite the ample time and  
21 variety of venues afforded him. The Board granted a limited waiver so as to  
22 permit Mr. Giegerich to complete the school year, but stipulated that all  
23 necessary requirements for adding the physics endorsement to his license must  
24 be secured by August 15, 2003, and no additional conditional licenses shall be  
25 granted. John Aboud moved, with a second by Brian Carter, that in  
26 **PFW 02-24**, Dominic Giegerich, the Board deny the Petition for Waiver, with  
27 the exception of the limited waiver granted within the order. Roll call vote:  
28 Aboud– yes; Carter – yes; Stalker – yes; Lewis – yes; Westerhaus – yes; Chen –  
29 yes; Paulsen – yes; Haigh – yes; and Hathaway – yes. **MOTION CARRIED**  
30 **UNANIMOUSLY.**

31  
32 Executive Director Dr. Anne Kruse introduced the idea of possible prefiled bill  
33 to eliminate the requirement that teachers from out-of-state must satisfy a

1 recency requirement in order to obtain an Iowa standard license. They must  
2 have taught three out of the last five years. Iowa teachers are not thus bound.  
3 The Board requested that staff bring to the December board meeting some  
4 recommendations for legislation.

1 The Board spoke at some length about practitioners teaching out of their  
2 endorsed areas. This presents a problem because it violates statute and No  
3 Child Left Behind legislation. In addition, in the absence of even a conditional  
4 license, the Licensure Bureau does not credit the experience towards licensure  
5 in the subject area in question. Staff will return to the Board with an action  
6 plan with recommendations to the Board of viable remedial options.

7  
8 The next agenda item was an initial look at the prospect of a student teaching  
9 license because of the significant number of violations by student teachers and  
10 teachers on initial licenses. Executive Director Dr. Anne Kruse said that the  
11 Code of Iowa authorizes the Board to create a temporary limited-purpose  
12 license for those that are in teacher preparation programs at no fee, but the  
13 Board may charge for the background check. Staff will return to the Board  
14 with a summary of that and alternative options and the implications of each.

15  
16 The Board recessed for lunch at 12:00 p.m. and reconvened at 12:50  
17 p.m.

18  
19 The Board discussed removal of endorsements by practitioner request. The  
20 Board will consider the issue again on the 2003 board retreat. Board Member  
21 Veronica Stalker requested staff to log calls between now and the retreat to  
22 evaluate reasons for any such requests, and Board Member Anita Westerhaus  
23 thought a list of the pros and cons of removal, suggested earlier the Executive  
24 Director, would also be helpful. Counsel to the Board will assist with any legal  
25 implications.

26  
27 The Board was reminded that the December 13, 2002, meeting will be held at  
28 the State Historical Building.

29  
30 There being no further business, Board Vice-Chair Peter Hathaway adjourned  
31 the meeting at 1:24 p.m.